IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12934 of 2004

Between:

1. B. RamaKrishna Naidu, S/o. Late Satyam Naidu,
The District Cooopeative Central Bank Limited, Bobbili Branch, Vizianagaram District.
2. A. Srinivasa Naidu, S/o. Ramu Naidu,
The District Cooopeative Central Bank Limited, Vizianagaram Branch, Vizianagaram District.
3. P. Lakshmana Rao, S/o. Late Sanyasaiah,
The District Cooopeative Central Bank Limited, Gantyada Branch, Vizianagaram District.
4. P. Suryanarayana, S/o. Late Venkataswamy,
The District Cooopeative Central Bank Limited, Gajapathinagaram Branch, Vizianagaram District.
5. N. Simhadri Raju, S/o. Sundara Ramachandra Raju,
The District Cooopeative Central Bank Limited, Nellimarla Branch, Vizianagaram District.
6. K. Satyanarayana, S/o. Late Tata,
The District Cooopeative Central Bank Limited, Gajapathinagaram Branch, Vizianagaram District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Cooperation Department ,
Rep. by its Secretary, Secretariat, Hyderabad.
2 The District Cooperative Central Bank Limited, Rep. by its General manager,
Vizianagaram, Vizianagaram District.
3 K. Chiranjeevi Rao, AGM (Devp) / Enquiry Officer,
The District Cooperative Central Bank Limited, Vizianagram, Vizianagram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not revoking suspension orders against the petitioners as illegal, arbitrary and violative of principles of natural justice and also violative of principles of natural justice and also violative of Article 14, 16 and 21 of the Constitution of India besides against to the provisions of the A.P. Cooperative Societies Act, 1964 and rules made thereunder and also contrary to the service rules of the petitioners and consequently direct the 2nd respondent to reinstate the petitioners into service forthwith

Counsel for the Petitioner:MR.V.AJAYAKUMAR

Counsel for the Respondent No.: GP FOR COOPERATION

The Court made the following :

O R D E R:

The petitioners are employees of the 2nd respondent bank. The 2nd respondent by an order

dated 31-12-2003, placed all the petitioners under suspension on the ground that they were involved in a criminal case relating to issuance of binami loans, pending enquiry into the matter. He initiated disciplinary proceedings against them and the 3rd respondent-Enquiry Officer submitted a report to the 2nd respondent stating that all the allegations against petitioners are false. The grievance of the petitioners is that even though the 3rd respondent completed his enquiry and submitted enquiry report to the 2nd respondent about more than six months prior to this date, he is not passing final orders so far.

The learned counsel for the petitioners submits that as per the memorandum of understanding between the management and the workmen, the suspension cannot be extended beyond six months. He further submits that as the period of suspension is more than six months, he requested to give a direction to revoke the suspension against the petitioners. Though the enquiry against the petitioners was completed the matter is still pending consideration before the 2nd respondent for passing final orders, therefore, the revocation of the suspension at this stage does not arise. The 2nd respondent is therefore, directed to pass appropriate orders on the report of the Enquiry Officer by following the procedure within a period of two months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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28-07-2004

Mjl/*

To

1 The Secretary, Cooperation Department , Secretariat, Hyderabad.
2 The General Manager, District Cooperative Central Bank Limited, Vizianagaram, Vizianagaram District.
3 K. Chiranjeevi Rao, AGM (Devp) / Enquiry Officer,
The District Cooperative Central Bank Limited, Vizianagram, Vizianagram District.

4. 2 CCs to G.P. for Cooperation, High Court of A.P. Hyderabad,

5. 2 CD copies.